

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK YOUNGERS, KIMBALL LLOYD, FRANCES
BRIGGS, JOSEPH D. MITCHELL, BRENDAN
HOFFMAN, and ALFRED TOLLI, individually and on
behalf of all others similarly situated,
Plaintiffs,

vs.

VIRTUS INVESTMENT PARTNERS, INC., VIRTUS
INVESTMENT ADVISERS, INC., F-SQUARED
INVESTMENTS, INC., F-SQUARED ALTERNATIVE
ADVISORS, LLC, F-SQUARED INSTITUTIONAL
ADVISORS, LLC, F-SQUARED INVESTMENT
MANAGEMENT, LLC, EUCLID ADVISORS, LLC, VP
DISTRIBUTORS, LLC, GEORGE R. AYLWARD,
MICHAEL A. ANGERTHAL, W. PATRICK
BRADLEY, LEROY KEITH, JR., PHILIP R.
MCLOUGHLIN, GERALDINE M. MCNAMARA,
JAMES M. OATES, RICHARD E. SEGERSON,
FERDINAND L.J. VERDONCK, FRANCIS G.
WALTMAN, MARK S. FLYNN, HOWARD PRESENT,
AMY ROBINSON
Defendants,

-and-

VIRTUS OPPORTUNITIES TRUST,
Nominal Defendant.

No. 15-8262-WHP

CLASS ACTION

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendant Howard Present, by and through his counsel, Serpe Ryan LLP, and upon the accompanying Memorandum of Law, the accompanying Declaration of Paul W. Ryan, dated February 1, 2016, and exhibits thereto, will move this Court, on April 8, 2016 at 11 a.m., for an order dismissing with prejudice the claims against him in the Second Amended Complaint pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), in addition to the Private Securities Litigation Reform Act.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order, dated November 24, 2015, Plaintiffs shall serve opposing papers, if any, no later than February 29, 2016, and Mr. Present shall serve reply papers, if any, no later than March 11, 2016.

Dated: New York, NY
February 1, 2016

SERPE RYAN LLP

/s/ Paul W. Ryan
Paul W. Ryan
1115 Broadway, 11th Floor
New York, NY 10010
Telephone: (212) 257-5011
pryan@serperyan.com

*Attorneys for Defendant
Howard Present*